

RESOLUTION NO. 13-37

A RESOLUTION CONCERNING A PETITION FOR THE ANNEXATION OF PROPERTY TO THE TOWN OF FIRESTONE, COLORADO, KNOWN AS THE McMURRAY ANNEXATION TO THE TOWN OF FIRESTONE, AND FINDING THE AREA PROPOSED TO BE ANNEXED ELIGIBLE FOR ANNEXATION

WHEREAS, a petition for annexation of property described in Exhibit A attached hereto has been filed with the Board of Trustees of the Town of Firestone; and

WHEREAS, pursuant to state law, the Town Board has held a hearing and desires to adopt by Resolution its findings in regard to the petition and eligibility for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF FIRESTONE, COLORADO:

**Section 1.** The Town Board finds and concludes that:

1. It is desirable and necessary that the territory described in Exhibit A attached hereto and incorporated herein be annexed to the Town of Firestone.
2. The applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, exist or have been met, including without limitation:
  - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Firestone; in accordance with Section 31-12-104(1)(a), C.R.S., contiguity may be established by the annexation of two or more parcels in a series.
  - b. A community of interest exists between the area proposed to be annexed and the Town of Firestone.
  - c. The area proposed to be annexed is urban or will be urbanized in the near future.
  - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Firestone.
  - e. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road, or other public way.

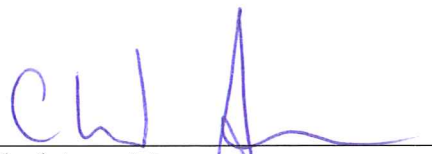
- f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more, and which, together with the buildings and improvements situated thereon, has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowners.
  - g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
  - h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
  - i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Firestone more than three miles in any direction from any point of the boundary of the Town of Firestone in any one year.
  - j. The territory proposed to be annexed is 2.0 acres, more or less.
  - k. The Master Plan adopted by the Board of Trustees of the Town of Firestone shall serve as the plan for the area proposed to be annexed, in accordance with Section 31-12-105(1)(e), C.R.S.
  - l. Any portion of a platted street or alley to be annexed will result in the entire width of the street or alley having been included within and made a part of the Town of Firestone and reasonable access will not be denied to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town of Firestone but is not bounded on both sides by the Town of Firestone.
- 3. Four copies of an annexation map of each of the area proposed to be annexed have been submitted to the Town Board and are on file with the Town.
  - 4. Upon the annexation ordinance becoming effective, all land within the area proposed to be annexed will become subject to all ordinances, resolutions, rules, and regulations of the Town of Firestone, except that general property taxes of the Town of Firestone, if applicable, shall become effective as of the January 1 next ensuing.
  - 5. No election for annexation of the area proposed to be annexed has been held in the preceding twelve months, and no election is required under Sections 31-12-107(2) or -112, C.R.S.

6. No additional terms and conditions are to be imposed other than those set forth in the annexation petition or otherwise agreed to by all owners, which are not to be considered additional terms and conditions within the meaning of Sections 31-12-107(1)(g), -110(2) or 112, C.R.S.
7. The landowners of one hundred percent (100%) of the area proposed to be annexed signed the petition requesting annexation, in compliance with Article II, Section 30 of the Colorado Constitution and Section 31-12-107(1), C.R.S.

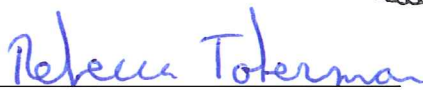
**Section 2.** The Town Board concludes that all statutory requirements have been met, that the proposed annexation are proper under the laws of the State of Colorado and the area proposed to be annexed is eligible for annexation to the Town. The Town Board, acting in its legislative capacity and pursuant to authority granted to it by state law, may adopt one or more ordinances annexing the subject property to the Town of Firestone.

INTRODUCED, READ, and ADOPTED this 26<sup>th</sup> day of June, 2013.



  
Chad Auer, Mayor

ATTEST:

  
Rebecca Toberman, Town Clerk

**EXHIBIT A - LEGAL DESCRIPTION**  
**McMurray Annexation**

A description of McMURRAY ANNEXATION being tract of land located in the E1/2 of the NE1/4 of Section 10, T2N, R68W of the 6th P.M., in Weld County, Colorado. For: Street Media Group, LLC

LEGAL DESCRIPTION McMURRAY ANNEXATION

A tract of land located in the E1/2 of the NE1/4 of Section 10, T2N, R68W of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast Corner of said Section 10 from which the N1/4 Corner of said Section 10, bears N89°50'51"W, 2641.06 feet (Basis of Bearing), thence N89°50'51"W, 450.00 feet along the North Line of said NE1/4 of Section 10; thence S00°28'41"W, 1967.50 feet along a Line which is 450.00 feet Westerly of and Parallel with the East Line of said NE1/4 of Section 10;  
to the POINT OF BEGINNING;

Thence continuing S00°28'41"W, 217.80 feet along said Parallel Line;

Thence S89°50'51"E, 399.89 feet along a Line which is Parallel with said North Line of the NE1/4 of Section 10 to the Westerly Right-of-Way Line of Colorado Interstate Highway I-25;

Thence N00°29'24"E, 217.80 feet along said Westerly Right-of-Way Line;

Thence N89°50'51"W, 399.94 feet along a Line which is Parallel with said North Line of the NE1/4 of Section 10 to the POINT OF BEGINNING.

Area = 87,100 square feet (2.000 acres), more or less.